

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>BLUE SPIKE, LLC,</b> <i>Plaintiff,</i>	§ § § § § § §	
v.	§	<b>Case No. 6:12-cv-499</b>
<b>TEXAS INSTRUMENTS, INC.</b> <i>Defendant.</i>	§	<b>LEAD CASE</b>

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<b>BLUE SPIKE, LLC,</b> <i>Plaintiff,</i>	§ § § § § § §	
v.	§	<b>Case No. 6:12-cv-576</b>
<b>AUDIBLE MAGIC CORPORATION,</b> <b>ET AL.</b> <i>Defendants.</i>	§	<b>CONSOLIDATED CASE</b>

**MEMORANDUM ORDER**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections were filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Blue Spike, Inc.’s Motion to Dismiss Audible Magic Corporation’s Counterclaims (Dkt. No. 993); Blue Spike, LLC’s Motion to Dismiss Audible Magic Corporation’s Counterclaims (Dkt. No. 994); Counterdefendant Scott Moskowitz’s Motion to Dismiss Audible Magic Corporation’s Counterclaims (Dkt. No. 995); Blue Spike, Inc.’s Supplemental Motion to

Dismiss Audible Magic Corporation's Counterclaims (Dkt. No. 1506); Blue Spike, LLC's Supplemental Motion to Dismiss Audible Magic Corporation's Counterclaims (Dkt No. 1507); and Scott Moskowitz's Supplemental Motion to Dismiss Audible Magic Corporation's Counterclaims (Dkt. No. 1508) are **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 15th day of August, 2014.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE